

10/563310

JAP28 Rec'd 07:07:07 PTO 29 DEC 2005

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application : JÖRGEN CARLSSON, et al.  
Serial No. :  
Filed : HEREWITH  
For : POLYPEPTIDES HAVING BINDING  
AFFINITY FOR HER2  
Examiner :  
Attorney Docket : 102821-202  
Group Art Unit :  
Confirmation No. :  
Customer No. : 27267

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 29 DEC 2005.

By Todd E. Garabedian, Ph.D.  
Todd E. Garabedian, Ph.D.  
Registration No. 39,197  
Attorney for Applicant(s)

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.56, the Examiner is respectfully requested to consider the references cited on attached Form PTO-1449. A copy of each reference has been previously submitted from the International Bureau. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

[X] 1. This Information Disclosure Statement is being filed within three months of the U. S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

- [ ] 2. This Information Disclosure Statement is being filed more than three months after the U. S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- [ ] a. Each item of information contained on Form PTO-1449 filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(1); and no fee is required under 37 C.F.R. §1.17(p).
- [ ] b. No item of information cited on Form PTO-1449 filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2); and no fee is required under 37 C.F.R. §1.17(p).
- [ ] Please charge Deposit Account No. 23-1665 in the amount of \$240.00 in payment of the fee under 37 C.F.R. §1.17(p). Two additional copies of this Information Disclosure Statement are enclosed.
- [ ] A check in the amount of \$240.00 is attached hereto in payment of the fee under 37 C.F.R. §1.17(p).
- [ ] 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered.
- [ ] a. Each item of information contained on Form PTO-1449 filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(1).

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[ ] b. No item of information cited on Form PTO-1449 filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).

[ ] Please charge Deposit Account No. 23-1665 in the amount of \$130.00 in payment of the fee under 37 C.F.R. §1.17(i)(1). Two additional copies of this Information Disclosure Statement are enclosed.

[ ] A check in the amount of \$130.00 is attached hereto in payment of the fee under 37 C.F.R. §1.17(i)(1).

The undersigned represents that the closest art of which he is presently aware has been cited herein and understands that this statement shall not be construed as a representation that no better art exists or that a thorough patentability search has been made.

The undersigned further represents that the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Respectfully submitted,

JÖRGEN CARLSSON, et al,

By:

Todd E. Garabedian, Ph.D.  
Todd E. Garabedian, Ph.D.  
Registration No. 39,197  
Attorney for Applicants

WIGGIN and DANA LLP  
One Century Tower  
P. O. Box 1832  
New Haven, CT 06508-1832

Telephone : (203) 498-4400  
Facsimile: (203) 782-2889

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By Todd E. Garabedian, Ph.D.  
Todd E. Garabedian, Ph.D.  
Registration No. 39,197  
Attorney for Applicant(s)

## INFORMATION DISCLOSURE LETTER

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Siri:

The undersigned represents that the closest art of which he is presently aware has been cited herein and understands that this statement shall not be construed as a representation that no better art exists or that a thorough patentability search has been made.

The undersigned further represents that the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

1. International Patent Application No. WO 0208263, 31 January 2002, Got-A-Gene, AB.
2. International Patent Application No. WO 0063243, 26 October 2000, Pharmacia & Upjohn AB.
3. International Patent Application No. WO 0101748, 11 January 2001, Genentech, Inc.
4. International Patent Application No. WO 0023580, 27 April 2000, Affibody Technology Sweden AB.
5. Protein Engineering, Design & Selection, vol. 17, no. 5, M. Wikman, et al., "Selection and Characterization of HER2/neu-binding affibody ligands", pp. 455-462.
6. Nature Biotechnology, vol. 15, August 1997, Karin Nord, et al., "Binding proteins selected from combinatorial libraries of an alpha-helical bacterial receptor domain", pp. 772-777.

Applicants submit that copies of the above-cited references were cited in the International Search Report of International Application No. PCT/SE2004/001049 and transmitted to the USPTO via the International Bureau.

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If the Examiner has any questions or feels that a discussion with Applicants' representative would expedite prosecution, the Examiner is invited and encouraged to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

JÖRGEN CARLSSON, et al.

Date: 29 DEC 2005

By: Todd E. Garabedian  
Todd E. Garabedian, Ph.D.  
Registration No. 39,197  
Attorney for Applicants

WIGGIN and DANA LLP  
One Century Tower  
P. O. Box 1832  
New Haven, CT 06508-1832  
Telephone: (203) 498-4400  
Fax: (203) 782-2889

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INFORMATION DISCLOSURE		ATTY. DOCKET NO.	SERIAL NO.			
		102821-202	10/563310			
		APPLICANT(S): JÖRGEN CARLSSON, et al.				
FILING DATE: HEREWITH		GROUP ART:	CONF NO:			
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIALS	DOCUMENT NO.	ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPR.
<b>FOREIGN PATENT DOCUMENTS</b>						TRANSLATION YES      NO
EXAMINER INITIALS	DOCUMENT NO.	PUBLICATION DATE	COUNTRY	CLASS	SUBCLASS	
	0208263 A2	31 January 2002	WO			
	0063243 A1	26 October 2000	WO			
	0101748 A2	11 January 2001	WO			
	0023580 A1	27 April 2000	WO			
<b>OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)</b>						
Protein Engineering, Design & Selection, vol. 17, no. 5, M. Wikman, et al., "Selection and Characterization of HER2/neu-binding affibody ligands", pp. 455-462.						
Nature Biotechnology, vol. 15, August 1997, Karin Nord, et al., "Binding proteins selected from combinatorial libraries of an alpha-helical bacterial receptor domain", pp. 772-777.						
EXAMINER:			DATE CONSIDERED:			
<small>* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>						